

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Monroe D. Kiar, Town Attorney
(954) 584-9770

SUBJECT: Resolution

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE FINALIZATION OF THE PURCHASE OF REAL PROPERTY FROM COVENANT HOUSE FLORIDA, INC., AND THE SETTLEMENT OF A LAWSUIT NOW PENDING IN THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA STYLED COVENANT HOUSE FLORIDA, INC., PETITIONER, VS. TOWN OF DAVIE, RESPONDENT, CASE NUMBER 02-011871 CACE (04)

REPORT IN BRIEF: Covenant House Florida, Inc. filed suit against the Town of Davie in the Seventeenth Judicial Circuit, in and for Broward County, Florida, under Case Number 02-011871 CACE (04), and said lawsuit continues to remain pending. In September, 2002, the Petitioner, Covenant House Florida, Inc. submitted a proposal to the Town of Davie to settle the lawsuit and all claims of Covenant House Florida, Inc. related thereto, by selling the real property which is the subject matter of the lawsuit, to the Town of Davie for the sum of \$560,000.00. The Petitioner, Covenant House Florida, Inc. tendered to the Town of Davie a proposed Contract for Purchase and Sale of the subject property which had been prepared by its attorney and which it signed on September 13, 2002. On September 18, 2002, the Davie Town Council at its regularly scheduled Council meeting, approved the Contract for Purchase and Sale subject to various contingencies, including the obtaining of two satisfactory appraisals of value for the subject real property. The Town of Davie was afforded 51 days under the terms of the Contract in which to perform its due diligence. Two appraisals have been obtained and the Town has completed its due diligence regarding the other contingencies contained in the Contract, namely completion of a satisfactory search of the title to the real property, obtaining a survey and an environmental study satisfactory to the Town Staff. Both appraisers attributed a value to the property in excess of the purchase price of \$560,000.00. As the Town has satisfactorily completed its due diligence, the Resolution being presented to the Town Council for its review authorizes the finalization of the purchase of the real property from Covenant House Florida, Inc. and in doing so, the settlement of the lawsuit now pending in the Seventeenth Judicial Circuit, in and for Broward County, Florida.

PREVIOUS ACTIONS: On September 18, 2002, the Town Council authorized the Mayor to execute a Contract for Purchase and Sale of Real Property subject to various contingencies, including the obtaining of two satisfactory appraisals of value for the subject real property.

CONCURRENCES: N/A

FISCAL IMPACT: Has request been budgeted? No. Contract cost of real property, \$560,000.00.

RECOMMENDATIONS: That the Town Council authorize finalization of the purchase of the real property from Covenant House Florida, Inc. pursuant to the terms of the Contract for Purchase and Sale.

ATTACHMENTS: Resolution

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE FINALIZATION OF THE PURCHASE OF REAL PROPERTY FROM COVENANT HOUSE FLORIDA, INC. AND THE SETTLEMENT OF A LAWSUIT NOW PENDING IN THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA STYLED COVENANT HOUSE FLORIDA, INC., PETITIONER, VS. TOWN OF DAVIE, RESPONDENT, CASE NUMBER 02-011871 CACE (04)

WHEREAS, on September 18, 2002, the Town of Davie conducted a public hearing for consideration of approving a settlement of the lawsuit styled Covenant House Florida, Inc., Petitioner, vs. Town of Davie, Respondent, Case Number 02-011871 CACE (04), in the Circuit Court of the Seventeenth Judicial Circuit, In And For Broward County, Florida by authorizing the Mayor to execute a Contract for Purchase and Sale of Real Property subject to various contingencies, including the obtaining of two satisfactory appraisals of value for the subject real property; and

WHEREAS, the Town of Davie has obtained two appraisals pursuant to Section 166.045, Florida Statutes, and has conducted its due diligence and is satisfied that all contingencies contained in the contract for sale and purchase of the real property have been met; and

WHEREAS, a closing date for the purchase of the real property has been scheduled for November 15, 2002, subject to the contingencies set forth in the Contract for Purchase and Sale having been met.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council does hereby approve the finalization of the settlement of that one certain lawsuit styled Covenant House Florida, Inc., Petitioner, vs. Town of Davie, Respondent, Case Number 02-011871 CACE (04), in the Circuit Court of the Seventeenth Judicial Circuit, In And For Broward County, Florida, by purchasing the real property which is the subject matter of said lawsuit and of the Contract for Purchase and Sale submitted by Covenant House Florida, Inc. and executed by the Mayor on September 18, 2002.

SECTION 2. The closing and purchase of the property referred to above shall take place on the 15th day of November, 2002, pursuant to the terms of the Contract for Purchase and Sale dated September 18, 2002.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2002.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2002.